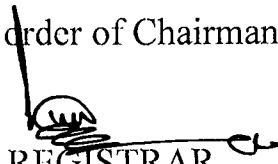


FORM OF ORDER SHEET

Court of _____

Case No.- 1653/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/11/2022	<p>The appeal of Mr. Shah Nazar Said presented today by Mr. Muhammad Anwar Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1653 /2022

Mr. Shah Nazar Said S/o Muhammad Said

.....Appellant

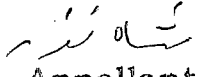
V E R S U S

Government of KPK through Chief Secretary & Others


.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of Parties		6
4.	Copy of contract appointment orders	A	7-8
5.	Copy of regular appointment order	B	9-11
6.	Copy of Application/ Appeal	C	12-13
7.	Copy of August Supreme Court Of Pakistan Judgment	D	14-19
8.	Copy of Service Tribunal Judgment	E	20-22
9.	Copy of Pension rules for qualifying Service	F	23
10.	Affidavit for request to hear the appeal in Peshawar Service Tribunal	G	24
11.	Wakalat Nama		25


Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court,
Peshawar

Date: 21 / 11 / 2022

**BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 1653 /2022

Mr. Shah Nazar Said S/o Muhammad Said , Belt No 734/SPO,
R/o Village Zafar Abad KhungayBala , Tehsil Timergara, District Dir
Lower.

.....**Appellant**

V E R S U S

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
3. The Provincial Police Officer Khyber Pakhtunkhwa, Civil Secreteriate Peshawar.
4. The Deputy Inspector General of Police Malakand Region Malakand.

.....**Respondents**

Appeal u/s 4 of the Khyber Pakhtun Khwa Service Tribunal Act, 1974 against the order dated 1-3-2020 of The Respondents No. 3, whereby Appellant service has been regularized from contract Service. The Regulization order dated 1-3-2020 may be considered w.e.f, 01-08-2009 instead of 1-03-2020.

Prayer in Appeal

On Acceptance of the instant appeal, The Respondents may be directed to count the Temporary Services of Appellant with effect from his initial recruitment dated 01-08-2009 toward his regular service for the purpose of grant of

pension and he may be allowed pension and other back benefits.

Respectfully Sheweth:

The appellant submits as under:

1. - That the Appellant has been appointed as SPO (Special Police Officer) in Police Department on fixed Pay Rs. 15000/- PM in the Year 2009 in prescribe manner. **(Copy of contract Order is attached as Annexure A)**
2. That the August supreme court of Pakistan also Regularized the contract service as a regular service and also counted the contract service for seniority as per Supreme Court judgment published in Supreme Court monthly review.2014 SCMR 1289 and judgment of Punjab service tribunal Reported in 219 PLC (CS) 103.
3. That the Appellant has been Regularized by the Respondents w.e.f 1/03/2020 instead of date of initial appointment of the Appellant. **(Copy of regular appointment order is attached as Annexure B)**
4. That the Appellant requested to the Respondents for counting the contract service into Regular service with all back benefits but all in vain. **(Copy of application/ Appeal is attached As Annexure C).**

GROUNDS:

A) *That the Petitioner has not been treated in accordance with law and their rights secured and guaranteed under the law have been badly violated.*

B) *That the same is against the natural justice also.*

C) That the Appellant remained temporary employee of the Respondents, since 2009, the Appellant was regularized on 1-3-2020 thus in view of the provision contained in Article 371-A of the CSR the Appellant is also entitled that his contract services be counted for the purpose of pension.

D) That as per Judgment of Supreme Court of Pakistan PLD 2016 Supreme Court 534. The August Supreme Court of Pakistan has specifically held that the Temporary Service followed by the conformation of regular service counted for the purpose of pension thus the Appellant is entitled for the grant of monthly pension by counting his service w.e.f the date of his initial appointment. **(Copy of August Supreme Court & Service Tribunal Judgment are attached as Annexure D & E respectively).**

E) That there are a number of Judgments in identical cases. Therefore, Respondents are bound to follow the same and should have acted in accordance with law & judgment of August Supreme Court of Pakistan reported in 1996 SCMR 1185.

F) That the Temporary service followed by confirmation/regular appointment gave the Appellant a right that his service be considered as regular service. **(Copy of**

Pension rules for qualifying Service is attached as Annexure F).

G) That the appellant's nature of duty is such that leave to attend the court in any other district except Peshawar is impossible because only one leave in a month is possible and in that one day the appellant can visit specialist doctor for their parents as well as can attend the court, (Affidavit for request to hear appeal in Peshawar Service Tribunal is attached as annexure G).

H) That the Respondents are using different yard stick and are violating the provision of their own Law/ rules/ calendar and the constitution of Islamic Republic of Pakistan 1973.

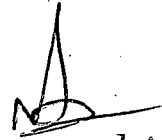
I) That the Appellant may kindly be allowed to advance additional arguments at the time of hearing the instant Service Appeal.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned regularization order dated 01.03.2020 may very graciously be consider w.e.f his initial appointment i.e. 01/08/2009 instead of 01-03-2020 with all back benefits.

Any other remedy which is deemed fit by this Honorable Tribunal in the interest of justice, may also be granted in favour of appellant.


Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)
Advocate High Court

Date: 21/11/2022

5

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Mr. Shah Nazar Said S/o Muhammad Said

.....Appellant

V E R S U S

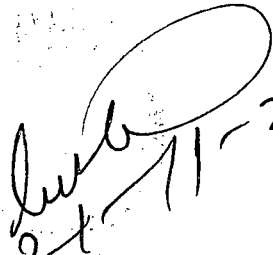
Government of KPK through Chief Secretary & Others

.....Respondents

AFFIDAVIT

I, Shah Nazar Said S/o Muhammad Said, Belt No 734/SPO, R/o Village Zafar Abad KhungayBala, Tehsil Timergara, District Dir Lower do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.


DEPONENT


24/11-22

6
BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

Mr. Shah Nazar Said S/o Muhammad Said
.....Appellant

V E R S U S

Government of KPK through Chief Secretary & Others

.....Respondents

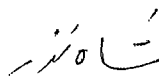
ADDRESSES OF PARTIES

APPELLANT

Mr. Shah Nazar Said S/o Muhammad Said , Belt No 734/SPO,
R/o Village Zafar Abad KhungayBala, Tehsil Timergara, District Dir
Lower.


RESPONDENTS

1. Govt of Khyber Pakhtunkhwa, Through Chief Secretary Khyber
Pakhtunkhwa, Civil Secreteriate Peshawar.
2. Secretary Finance Department, Khyber Pakhtunkhwa, Civil
Secreteriate Peshawar.
3. The Provincial Police Officer Khyber Pakhtunkhwa, Civil
Secreteriate Peshawar.
4. The Deputy Inspector General of Police Malakand Region
Malakand.



Appellant

Through


Muhammad Anwar Khan
(Pashton Ghari)
Advocate high court

Date: 21/4/2022

7

The following personnals are hereby enlisted as Special Police officer on contract basis w.e.f 08-10-2011 upto 30-06-2012 on monthly fixed salary of Rs 10,000/- by the Government of Provincial Police Officer Khyber Pakhtunkhwa Peshawar Letter No: 15392/E-II dated: 20-06-2009, 17472-7-1/E-II dated 13-07-09 and Letter No: 17901-6/E-II dated 17-07-09. Their service will be purely of temporary nature and will be terminated by the Authority without showing any reason and notice.

Name	Father Name	Address	Tehsil	Allotted Const: No:
Syed Zaman	Sarfaraz Khan	Badwan	Adenzai	508/SPO
Hazrat Bilal	Jehandar	Malatharo Ouch	Adenzai	646/SPO
Saqib	Door Muhammad	Malatharo Ouch	Adenzai	345/SPO
Abshad Ahmad	Dilshad Ahmad	Sahibzadgano Cham Ouch	Adenzai	626/SPO
Sarvaiz Khan	Tahsil Khan	Tiha Darangal	S. Bagh	627/SPO
Usman Zada	Kheista Jan	Darma! Baia	B.Bat	933/SPO
Bakht Baidar	Akhu Zada	Dag Gosan	Munda	307/SPO
Mujeeb-ur-Rahman	Habib-ur-Rahman	Qilla	Munda	384/SPO
Shah Nawaz Khan	Taj Muhd: Khan	Kotkay Cham	S. Bagh	469/SPO
Zahir Khan	Naseeb Khan	Pengal	T.Gara	503/SPO
Adil Muhammad	Hazrat Muhd:	Chino	T.Gara	622/SPO
Sherin Zada	Dosaam Khan	Mankay Pengal	T.Gara	649/SPO
Fazal Wahid	Wazir	Lajbok	B.Bat	917/SPO
Ahmad Din	Fhir-ud-Din	Chino Talash	T.Gara	939/SPO
Sardar Ali	Nusrullah Jan	Timer	T.Gara	410/SPO
Gulfam Khan	Sher Azam Khan	Bagh Dushkhal	T.Gara	936/SPO
Hussain Zada	Momanday	Kandow Khali	Khali	100/SPO
Shah Nazar Syed	Muhd: Syed	Khungay	T.Gara	734/SPO
Muhd: Shafee	Fazal Khaliq	Matha Talash	T.Gara	766/SPO
Dawood Khan	Muhd: Sherin	Khanpur	Adenzai	904/SPO
Iftikhar	Hakim gu	Khanpur	Adenzai	99/SPO
Aman Khan	Muhd: Rasool Khan	Mator Asbair	Adenzai	458/SPO
Azeem Khan	Abdul Halim	Darbar Chakdara	Adenzai	472/SPO

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24 ✓	Asghar Ali ✓	Saleh Muhd. ✓	Badwan ✓	Adenzai	268/SPO
25 ✓	Khurshid Afri ✓	Ajmal Khan ✓	Khadagzai Bala ✓	Adenzai	315/SPO
26 ✓	Sajid Khan	Gul Bahadar Khan	Teknai Payeen	Adenzai	953/SPO
27 ✓	Muhd. Isam	Noor Muhd.	Sher Khanay	B.Bat	402/SPO
28 ✓	Haramullah	Nadar Khan	Thal Sarfara	Lal Qilla	16/SPO
29 ✓	Naseem	Abdul Khaliq	Sangi Para	S.Bagh	166/SPO
30 ✓	Ishaq	Amir Rahman	Bajauro Taloch	T.Gara	231/SPO
31 ✓	Ahmad ✓	Muhd. Azim ✓	Tangai Khwar ✓	T.Gara	569/SPO
32 ✓	Mehmood Jan ✓	Syed Akbar Jan ✓	Sacha ✓	Khall ✓	1049/SPC
33 ✓	Khanul Hassan	Muhd. Hassan	Barikot ✓	T.Gara	507/SPC
34 ✓	Bakht Sardar	Sher Muhd. Khan	Amluk Dara	T.Gara	11/SPO
35 ✓	Usman Saeed	Muhd. Saeed	Chino	T.Gara	617/SPC
36 ✓	Salim Javed Quraishi	Muhd. Quraishi	Blambat	B.Bat	531/SPC
37 ✓	Manawar Shah	Rahmat Faqir	Rani	Khall	161/SPC

OB No 1367
Dated 8/10/2011

[Signature]
District Police Office
Dir Lower at Timergara

No. 20905-07 /OASI
Dated 10/10 2011

Copy of above is submitted to the:

- 1- District Account Officer Dir Lower at Timergara.
- 2- Pay Officer Local Office Dir Lower at Timergara.
- 3- Establishment Clerk Local Office Dir Lower at Timergara.

Attested
[Signature]

24 ✓	Asghar Ali ✓	Saleh Muhd: ✓	Badwan ✓	Adenzai	268/SPO
25 ✓	Khurshid Ali ✓	Ajmal Khan ✓	Khadagzai Bala ✓	Adenzai	315/SPO
26 ✓	Sajid Khan	Gul Bahadar Khan	Teknai Payeen	Adenzai	953/SPO
27 ✓	Muhd: Islam	Noor Muhd:	Sher Khanay	B.Bat	402/SPO
28 ✓	Hamidullah	Nadar Khan	Thal Sarlara	Lal Qilla	16/SPO
29 ✓	Khalid Naseem	Abdul Khaliq	Sangi Para	S.Bagh	166/SPO
30 ✓	Muhsin Ishaq	Amir Rahiman	Bajauro Talosh	T.Gara	231/SPO
31 ✓	Izz Ahmad ✓	Muhd: Azim ✓	Tangai Khwar ✓	T.Gara	569/SPO
32 ✓	Mehmood Jan ✓	Syed Akbar Jan ✓	Sacha ✓	Khall ✓	1049/SP
33 ✓	Khanul Hassan ✓	Muhd: Hassan ✓	Barikot ✓	T.Gara	507/SPC
34 ✓	Bakht Sardar	Sher Muhd: Kh n	Amlak Dara	T.Gara	11/SPO
35 ✓	Usman Saeed	Muhd: Saeed	Chino	T.Gara	617/SPC
36 ✓	Salim Javed Quraishi	Muhd: Quraishi	Blambat	B.Bat	531/SPC
37 ✓	Manawar Shah	Rahmat Faqir	Rani	Khall	161/SPC

OB No. 1367
 Dated 8/10/2011

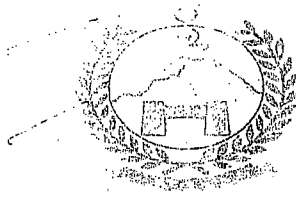
[Signature]
 District Police Office
 Dir Lower at Timergara

No. 20905-07 /OASI
 Dated 15/10 2011

Copy of above is submitted to the:

- 1- District Account Officer Dir Lower at Timergara.
- 2- Pay Officer Local Office Dir Lower at Timergara.
- 3- Establishment Clerk Local Office Dir Lower at Timergara.

Attested
[Signature]



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
Dated Peshawar the April 8th, 2020

Amendment (B) 9-11

NOTIFICATION

No.30(Budget)/HD/15-29/2016 Vol-II: In pursuance of the provisions contained in Section 3 read with Section 5 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No.XXVII of 2019) and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in District Dir Lower under DDO Code DA4021- Law & Order Dir Lower as Constables (BPS-07) with effect from 01-03-2020.

S.No	Name	Father Name	Belt No.
1	Zubair Shah	Fazal Rahman	1
2	Ayaz Khan	Dawa Khan	2
3	Muhammad kamal	Muhammad Ismaeel	3
4	Alam Zeb	Aziz ur Rahman	4
5	Zakirullah	Dawa Khan	5
6	Muhammad Amin	Muhammad Arif Khan	6
7	Taj Muhammad	Syed Rahman	7
8	Aurang Zaib	Gul Karam Khan	8
9	Fazal Hussain	Muzamin Khan	9
10	Tajamul Khan	Sher Muhammad Khan	10
11	Bakht Sardar	Sher Muhammad Khan	11
12	Ihsanullah	Fazal Rahman	12
13	Gul Zamin Khan	Bakhtawar	13
14	Ikramullah	Gul Khan	14
15	Muhammad Sadig Khan	Muhammad Bostan Khan	15
16	Ikramullah	Nadar Khan	16
17	Daulat Khan	Akbar Khan	17
18	Aminullah Khan	Syed Akbar Khan	18
19	Anwar Zaib	Muhammad Wazir	19
20	Azizullah	Inayat Khan	20
21	Zahir Khan	Mirza Gul	21
22	Laiq Muhammad	Fazal Hadi	22
23	Muhammad Jamil	Mehmood Khan	23
24	Yousaf Khan	Sarzamin Khan	24
25	Muhammad Wahid	Shaibar Khan	25
26	Deedar Gul	Stana Gul	26
27	Ali Muhammad	Gul Muhammad	27
28	Muhammad Salim	Fazal Malik	28
29	Naeem Ullah	Gul Rahim	29
30	Sher Zaman Khan	Ahmad Khan	30
31	Amjad Khan	Rahim Gul	31
32	Muhammad Hasham	Bakht Zamin	32
33	Abdul Farooq Khan	Abdul Wakeel Khan	33
34	Jawad Ali	Nazir Malik	34
35	Muhammad Ayaz	Noor Hakim	35
36	Rohullah	Hamdullah	36
37	Bahadar Zail	Syed Khan	37
38	Rahim Badshah	Muhammad Rokhan	38
39	Shaukat Ali Khan	Muhammad Habib	39
40	Naik Zada	Muhammad Zada	40
41	Shah Karim	Bacha Muhammad	41
42	Aziz Khan	Said Muhammad Khan	42

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663	Ziarat Khan	Fateh Rahman	684
664	Atta ur Rahman	Khair ur Rahman	685
665	Badshah Zada	Bahadar Khan	686
666	Faizul Amin	Lal Muhammad	687
667	Muhammad Iqbal	Itabar Said	688
668	Suliman	habib ur Rahman	689
669	Ijaz Ullah	Abdul Qayoum	690
670	Javed	Rasheed	691
671	Muhammad Imran	Muhammad Nisar	692
672	Badshah Hussain	Rahim Gul	693
673	Ghani Subhan	Lal Zamin Khan	694
674	Bakht Zada	Gul Shehzad	695
675	Abd Ullah	Zafeer Ullah	696
676	Ahmad Hussain	Ghulam Khalig	697
677	Rafiullah	Saifur Rahman	698
678	Ikram Khan	Muhammad Ismaeel Jan	699
679	Hazrat Hussain	Fazal Noor	700
680	Bashir Ahmad	Mumtaz Khan	701
681	Irfanullah	Aman ullah Khan	702
682	Qayoum Khan	Jan Muhammad	703
683	Lal Badshah	Zarawar Khan	704
684	Shah Hussain	Badshah Haidar	705
685	Waqar Ahmad	Khaista	706
686	Khalif ur Rahman	Ajdar Muhammad	707
687	Shafiullah	Mateen Khan	708
688	Bashir Khan	Jabbar Gul	709
689	Sardar Hussain	Musafar Khan	710
690	Fazal Bacha	Fazal Wahid	711
691	Diyar Muhammad	Shah Faroz Khan	712
692	Salman Ullah	Hafeez ur Rahman	713
693	Sher Bahadar Khan	Gul Wazir Khan	714
694	Abdullah	Hameed Ur Rahman	715
695	Khan Badshah	Fazal Rahman	716
696	Bacha Hassan	Sher Jan	717
697	Fazal Subhan	Fazal Raziq	718
698	Shah Khalid	Adil Bakht	719
699	Janat Gul	Mian Gul Jan	720
700	Badshah Room	Ghulam Yousuf	721
701	Muhammad Iqbal	Sher Muhammad	722
702	Hafeez Ullah	Ahmad	723
703	Faiz Muhammad Khan	Taza Khan	724
704	Zahir Shah	Jalandar Khan	725
705	Fareed Gul	Ghulam Haroon	726
706	Rahimullah	Said Jalal	727
707	Awal Gul	Shah Zamin	728
708	Sakhi Jan	Jan Sher Khan	729
709	Salah ud Din	Hyat ud Din	730
710	Hidayat Ullah	Muhammad	731
711	Hazrat Rahim	Umar Rahim	732
712	Najeem Ullah	Fazal Malik	733
713	Shah Nazar Said	Muhammad Said	734
714	Habib ul Hassan	Haidar Khan	735
715	Javid	Musafar	736
716	Ubaid Ullah	Rahim Gul	737
717	Chalif ur Rahman	Amir Badsah	738
718	Muhammad Jan	Fazal Rahman	739
719	Atta Ullah	Mustarain Khan	740
720	Dilshad Bibi	Sayed Safdar Shah	741
721	Sajid Ullah	Masoom Jan	742
722	Jauhar Zaib	Taza Khan	743
723	Fazal Munir	Fazal Ghafoor	744
724	Hameed Ullah	Fazal Said	745

10

A.H. Khan

17

973	Abd ur Rahman	Aslam Khan	998
974	Sana Ullah	Abdullah	999
975	Muhammad Hamza Nazeer	Nazeer Gul	126
976	Zarak Khan	Gul Umar	194
977	Rovaid Shah	Zulfat Khan	373
978	Nasir Khan	Arab Khan	669
979	Muhammad Rukhsar	Jehangir Khan	786
980	Muhammad Waqas	Amir Gul	962


Secretary to Govt. of Khyber Pakhtunkhwa
Home & Tribal Affairs, Department

Enclst No & date even

Copy forwarded for information to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa.
4. The Regional Police Officer, Malakand.
5. The District Police Officer, Dir Lower.
6. The District Accounts Officer, Dir Lower.
7. PS to Home Secretary, Khyber Pakhtunkhwa.


SECTION OFFICER (BUDGET)

Altogether


بخصوص جناب ای جی بی صاحب ضیہ پٹیو خواہ ستاد

شاہ لقا سید ولد محمد سید
محمد ظفر آباد فوٹو ہال محل تعمیر گزشتہ لوکل ڈیپارٹمنٹ

درخواست برآمد علی گدی بیت بسینٹیفکٹ 8-10-2011

جناب عالی

میں گزارش ہے کہ سائیل حیثیت spہ لوٹا ہو چکا ہے۔

اور اسٹیم آنکٹ 2019 سے ریٹولر آرڈر ہو چکا ہے۔

جہ کہ سائیل کانٹریکٹ سروس سے ریٹولر سروس میں شامل نہیں کیا گیا ہے۔

لہذا بند رہے درخواست استدعا ہے کہ سائیل کانٹریکٹ سروس

اعلیٰ عدالتوں کے ضمیمے کیسٹا بجی اسٹیم آنکٹ 2019 کے بجائے صورت

8-10-2011 سے ریٹولر میں شامل کر کے کا حکم صادر فرمائیں۔

عین لوازم اس پر ہوگی۔

لگا رہے۔

شاہ لقا سید ولد محمد سید محل تعمیر گزشتہ لوکل ڈیپارٹمنٹ

Attest
[Signature]

محضور جناب آئی جی پی صاحب خیبر پختونخواہ پشاور

درخواست بمراد عطائگی Back Benefit 2009ء و

شامل فرمانے Contract Back Service

Period برائے پیش

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

1- یہ کہ سائل 2009ء میں SPO بھرتی ہوئے تھے اور پشاور ہائی کورٹ نے 2017ء میں مستقل کرنے کا فیصلہ فرمایا تھا۔

2- یہ کہ محکمہ پولیس نے یکم مارچ 2020ء کو مستقل کرنے کا آرڈر فرمایا ہے۔

لہذا استدعا ہے کہ سائل کو بمطابق قانون بھرتی کی تاریخ سے Regular

کرنے کا حکم صادر فرمایا جاوے۔

شاہ نواز سید کنہنہ طر اسما د کوٹلی مالا کھنڈی سڑک ضلع درگ پور
22/8/22ء ارض

Attest

Amener (D)

174-10

2018 S C MR 64

[Supreme Court of Pakistan]

Present: Gulzar Ahmed and Sajjad Ali Shah, JJ

ABDUL JABBAR and others---Appellants

Versus

GENERAL MANAGER (PERSONNEL) PAKISTAN RAILWAYS and others--- Respondents

Civil Appeals Nos. 17-K to 42-K of 2017, decided on 16th November, 2017.

(Against the consolidated order dated 26.8.2016 passed by the Federal Service Tribunal Islamabad in 94(K)CS/16 to 119(K)CS/16)

(a) Civil Servants (Appeal) Rules, 1977---

---R.4(1)---Appeal from an 'order' passed by an authority---"Order"---Scope---For preferring an appeal in terms of R. 4 of the Civil Servants (Appeal) Rules, 1977, there had to be an order altering, interpreting to a civil servant's disadvantage, reducing or withholding his maximum pension and allowances---In such grievances/proceedings no particular form of order was required and even pension fixation notices could be treated as an order for the purposes of availing the remedy of appeal under R. 4 of the Civil Servants (Appeal) Rules, 1977.

(b) Civil Servants (Appeal) Rules, 1977---

---Pensionary rights, claim for---Limitation---Grievance in respect of pensionary benefits was a recurring cause, consequently, limitation could not come in the way of such relief---Where, however, such pensionary benefit was altered or interpreted to the disadvantage of a civil servant or his pension was reduced or his maximum pension was withheld including an additional pension admissible to him under the rules then his grievance to that extent had to be regulated in terms of R. 4(1) of the Civil Servants (Appeal) Rules, 1977.

Chief Executive Progressive Paper Ltd./The Chairman National Press Trust, Islamabad v. Sh. Abdul Majeed 2005 PLC (C.S.) 1439 ref.

Muhammad Khalil Dogar, Advocate Supreme Court and Mazhar Ali B. Chohan, Advocate-on-Record for Appellants (in all cases).

Sanaullah Noor Ghouri, Advocate Supreme Court and Ms. Raana Khan, Advocate-

on-Record for Respondents.

Date of hearing: 16th November, 2017.

ORDER

SAJJAD ALI SHAH, J.---The appellants who are retired civil servants have impugned the order of the Service Tribunal dated 26.8.2016 declining the reckoning of increment by way financial relief of Rs. 300/- per month in the monthly salary for computing pensionary emoluments from the date of retirement for want of impugned order as required by section 4(1)(a) of the Service Tribunals Act, 1973.

2. Briefly, the Prime Minister's Secretariat on 11.3.1997 issued an U.O. No.16(P)PMDIR/931/97 in compliance of Prime Minister's address to the Nation on 23.2.1997 regarding financial relief of Rs.300/- per month to the low paid employees. The appellants were allowed such relief till the date of their retirement but such benefit was not included in their last pay for commuting pension and other post-retirement benefits on the ground that it was an ad hoc relief. It appears that the appellants, in the year 2016, filed departmental appeals and after getting no response approached the Service Tribunal. The Tribunal, after hearing the parties, through the impugned order, dismissed their appeals by holding that "there is a yawning gap of over eighteen years since the appellant retired w.e.f. Feb, 1998. The appellant should have come within the statutory period as prescribed under Rule-4 of the Service Tribunals Act, 1973, when came to know that Rs.300/- per month announced by the Prime Minister had not been computed in the pensionary benefits" and that "it is admitted position that in the lis at hand there is no impugned order; hence, appeal filed by the appellant is hit by section 4(1)(a) of the Service Tribunal Act, 1973. When there is no impugned order, there should be no representation or appeal, hence, as a corollary no appellate order":-

3. Leave was granted by this Court vide order dated 27.1.2017 which reads as under:-

"that the non or deficient grant of pension is a recurring cause of action and thus to hold that the petitioners have been sleeping over their rights since long; besides that they have failed to avail any departmental remedy such as that of appeal or representation is misconceived because no departmental appeal to a retired employee for pensionary benefits is available under the law and thus a civil servant aggrieved of the short payment or non-payment of the pensionary benefits can directly approach the learned Service Tribunal for the claim of their pensionary benefits. Leave is granted to consider the above."

4. Learned ASC for the appellants contended that this Court in the case of Managing Director, Pakistan Railways, Carriage Factory, Islamabad v. Muhammad Asghar (2003 SCMR 1037) has held that the increase of Rs.300/- per month announced by the Prime

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Minister in his address to the nation granting financial relief to the low paid employees was neither ad hoc nor a temporary relief and was liable to be included for calculating pension and other post-retirement benefits and, therefore, the Tribunal has erred in rejecting the appellants' claim for want of the impugned order. Per counsel since the pensionary benefit being terms and conditions of the service and available under the law, therefore, the civil servants aggrieved of short payment or non-payment of pensionary benefits could directly approach the Service Tribunal to claim such benefits or their short fall and that there was no requirement of any impugned order.

5. On the other hand, learned counsel for the respondents initially tried to argue that the relief so allowed in consequent to the Prime Minister's address was an ad hoc relief but in view of the pronouncement of this Court in the case of Managing Director, Pakistan Railways, Carriage Factory, Islamabad (supra), did not press this argument, however, contended that the claim is hit by laches and, therefore, was rightly declined. It was lastly submitted that since such relief was discontinued w.e.f. 1.12.2001 vide Finance Division's O.M. No.F(1)(5)IMP 2001 dated 4.9.2001 on introducing revised pay scales, therefore, the employees who retired after 1.12.2001 were not entitled to such benefit. However, the entitlement of the appellants to the relief claimed was not disputed on factual plane.

6. In response, learned ASC for the appellants submitted that none of the appellant retired after 1.12.2001, therefore, such submission is not even relevant for the purposes of instant controversy.

7. We have heard the contentions of learned counsel for the respective parties and have perused the record. The procedure to be followed by a civil servant in case where his conditions of service in respect of pay, allowances or pension are altered, interpreted to his disadvantage, reduced or withheld etc. is detailed in section 4(1)(a) to (c) of the Civil Servants (Appeal) Rules, 1977, which reads as under:-

"4.(1) A civil servant shall be entitled to appeal to the appellate authority from an order passed by an authority which -

- (a) alters to his disadvantage, his conditions of service, pay, allowances or pension; or
- (b) interprets to his disadvantage the provisions of any rules whereby his conditions of service, pay, allowances or pension are regulated; or
- (c) reduces or withholds the maximum pension, including an additional pension, admissible to him under the rules governing pensions; or
- (d)"

8. Perusal of the reproduced provision reflects that a civil servant has to file an appeal

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against an order may it be an order fixing his pension which alters, interprets to his disadvantage, reduces or withholds his pay, allowances or pension including any additional pension etc. The time frame for filing such appeal is provided in section 22 of the Civil Servant Act, 1973 which lays down that where a right to prefer an appeal or apply for a review in respect of any order relating to the terms and conditions is provided to a civil servant under any rules applicable to him such appeal or application shall, except as may be otherwise prescribed, be made within 30 days of the date of such order. It is further provided in subsection (2) of section 22 of the said Act that the remedy of filing representation within 30 days from the date of an order causing grievance to the civil servant is available in cases where under the relevant rules no provision for appeal or review exist in respect of any order or class of orders.

9. Under the circumstances, there has to be an order altering, interpreting to his disadvantage, reducing or withholding maximum pension and allowances of a civil servant for preferring an appeal in terms of Rule 4 of the Civil Servant (Appeal) Rules, 1977. In such grievances/proceedings no particular form of order is required and even pension fixation notices could be treated as an order for the purposes of availing the remedy of appeal under section 4 of the Civil Servants (Appeal) Rules, 1977. Likewise Section 4 of the Service Tribunals Act, 1973 provides that any civil servant aggrieved by any final order whether original or appellate made by the departmental authority in respect of any of the terms and conditions of his service may within 30 days of the communication of such order to him, prefer an appeal to the Tribunal. The proviso to Section 4 further provides that if an appeal or representation or review preferred to the departmental authority is not decided within a period of 90 days, then such person may prefer an appeal before the Service Tribunal. Consequently, the obvious conclusion which one can draw is that an order which is the root of grievance coupled with an un-responded appeal or representation and/or the order of appellate authority deciding such appeal or representation would entitle a civil servant to approach the Service Tribunal for redressal of his grievance and in this particular case in respect of his pay allowances or pension.

10. Though it has been repeatedly held by this Court that pension is in fact a deferred part of the pay of an employee while he was putting his best efforts in rendering service to his employer during his hay days and this part is deferred to be paid to him periodically or otherwise to meet his old age needs as such pensionary benefits were neither a bounty nor a concession from any one and in the latter case are paid month wise and therefore, grievance in respect thereof provides a recurring cause, consequently, the limitation could not come in the way of such relief. Reference can readily be made to the case of Chief Executive Progressive Paper Ltd./The Chairman National Press Trust, Islamabad v. Sh. Abdul Majeed (2005 PLC (C.S.) 1439). However, in our opinion, where such pensionary benefit is altered or interpreted to the disadvantage of a civil servant or his pension is reduced or his maximum pension is withheld including an additional pension admissible to him under the rules then his grievance to that extent has to be regulated in terms of Rule 4(1) of the Civil Servant (Appeal) Rules, 1977.

11. However, the controversy herein need to be decided in the light of the background that one Muhammad Yousuf an employee of respondent had first voiced his grievance on non-inclusion of financial relief of Rs.300/- P.M. while reckoning his pensionary benefits and the Service Tribunal gave verdict in his favour on 28.12.1998 in Service Appeal No.295(R) of 1998. The respondent implemented the decision but again refused such benefit to their another employee namely, Muhammad Asghar compelling him to prefer the departmental appeal by asserting the pension fixation notices as order causing grievance. The representation remained un-responded forcing him to approach the Service Tribunal. The Service Tribunal while accepting his appeal directed the Pakistan Railways to include Rs.300/- in his monthly salary for computing pensionary benefits. The respondent instead of implementing the order of the Tribunal as in the case of Muhammad Yousaf approached this Court by impugning the order of the Tribunal and this Court vide its judgment referred to as *Managing Director, Pakistan Railways, Carriage Factory, Islamabad (supra)*, held that such financial relief of Rs.300/- was reckonable towards the pensionary emoluments. The relevant part of the said judgment reads as under:-

"Prime Minister's Secretariat U.O. No. 15(P) PMDIR/931/97, dated 11.3.1997 issued in response to Prim Minister's address to the Nation on 23.2.1997 regarding financial relief to the low paid employees on the face of it does not speak of ad hoc or temporary relief. On the contrary, it mentions that a financial relief of Rs.300/ per month was allowed to all the employees from BS-1 to BS-16 with effect from 1.3.1997. Thus it being permanent increase in the pay scale would be reckonable towards the pensionary emoluments".

12. The Court further in the concluding paragraph observed as follows:-

"We are constrained to observe that the petitioner/department while refusing the relief to the respondent has not only discriminated but has shown double standard, as such, while maintaining the finding of the Tribunal, we uphold the reckoning of the increase of Rs.300/ - in the basic pay towards calculating the pensionary emoluments of the respondent."

13. The appellants are also the employees of the Pakistan Railways and once the controversy regarding the nature of the financial relief granted by the Prime Minister was determined and its inclusion for the purpose of reckoning pensionary emoluments was directed by this Court in the case of *Managing Director, Pakistan Railways, Carriage Factory, Islamabad (supra)* back in the year 2003, we wonder why the appellants were compelled to approach this Court. The respondents under the principle of good governance laid down by this Court in the case of *Hameed Akhtar Niazi v. The Secretary, Establishment Division, Govt. of Pakistan and others (1995 SCMR 1185)* were bound to include the amount of financial relief of Rs.300/- in the pensionary benefits of all their employees at least till the discontinuation of such relief on introducing revised pay scales. So far as the question of laches is concerned, in our opinion, such plea is not available to

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respondents on two counts; firstly, that after determination of this controversy by this Court in above referred case where the respondents unsuccessfully had challenged the inclusion of such financial relief towards pensionary benefits, it was their bounden duty to include such benefit at least in the cases of employees who, like the present appellants, were entitled to such relief even if their argument of discontinuation of such relief on 1.12.2001 i.e. upon introduction of revised pay scales is accepted Secondly, neither the representation of the appellants was rejected by the respondents on the ground of being barred by time nor the Service Tribunal gave any specific finding or held the petition barred by time.

14. In the instant case the employees of the respondent/Pakistan Railways who were granted relief by this Court in the case of Managing Director, Pakistan Railways, Carriage Factory, Islamabad (supra) had preferred representation by treating the pension fixation notices as an order interpreting the financial relief of Rs.300/- P.M. to their disadvantage. The Tribunal accepted their appeal by redressing their grievances and directing the respondent/Pakistan Railways to include the financial relief of Rs.300/- P.M. allowed by the Prime Minister in reckoning their pensionary benefits which order was maintained by this Court in the judgment referred and reproduced above. Following their colleagues, the appellants herein instead of filing appeal in terms of Rule 4 of the Civil Servants (Appeal) Rules, 1977, had moved the representation to the appellate authority which could be treated as an un-responded appeal, had approached the Tribunal which, in our opinion, appears to be sufficient compliance of section 4(1)(1) of the Service Tribunals Act, 1973 specially when the claim of the appellants was backed by the judgment of this Court.

15. In the foregoing circumstances, all these appeals are allowed and the respondent/Pakistan Railways is directed to include the financial relief of Rs. 300/- P.M. for computing post retirement benefits. Parties to bear their own costs.

MWA/A-36/SC

Appeals allowed.

Amended (E)

1.3.2018
20-22

Case Judgement

<http://www.plsbeta.com/LawOnline/law/casesdescription.asp?CaseId..>

2019 FLC (C.S.) 103

[Punjab Service Tribunal]

Before Justice (R) Abdul Sami Khan, Chairman

FAREEHA REHMAN and others

Versus

PROVINCE OF PUNJAB through Secretary Higher Education and others

Service Appeals Nos. 2730 to 2742, 2946 to 2978 and 4058 to 4065 of 2016, decided on 19th July, 2018.

Punjab Service Tribunal Act (IX of 1974)---

---S. 4---Constitution of Pakistan, Art.25---Regularization in service---Back benefits---Discrimination---Appellants were lecturers appointed on contract basis for a period of 3 years---Grievance of appellants was that similarly placed other lecturers had been regularized---Validity---Appellants were appointed as female lecturers through departmental selection committee on contract basis for a period of 3 years---Contract services of appellants were extended from time to time without any break for about 15 years---Appellants were met with discriminatory treatment as service was established from facts and documentary evidence relied upon by appellants that other employees of Government of Punjab through different orders/notifications were regularized---Claim of appellants that their employments should have been regularized from date of initial appointments was refused which showed that they had been dealt with discrimination---Service Tribunal set aside orders passed by authorities as appellants were entitled for regularization from date of initial appointment as lecturers---Appeal was allowed in circumstances.

Muhammad Aslam Awan, Advocate Supreme Court v. Federation of Pakistan and others reported as 2014 SCMR 1289 rel.

Muhammad Sajid Khan Tanoli for Appellant (in Appeals Nos.2730 to 2742 of 2016 and 2946 to 2978 of 2016).

Rizwana Anjum Mufti for Appellant (in Appeals Nos.4058 to 4065 of 2016).

Muhammad Arshad Naseer District Attorney.

ORDER

JUSTICE (R) ABDUL SAMI KHAN, CHAIRMAN.----Since common questions of law and facts are involved in the following appeals which are being disposed of through this single judgment -

- I) Fareeha Rehman v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2730/2016).
- II) Raheela Ghafoor v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2731/2016).
- III) Zomra Ilyas v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2732/2016).
- IV) Andleeb Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2733/ 2016).
- V) Noreen Akhtar v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2734/ 2016).
- VI) Anjum Iqbal v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2735/ 2016).
- VII) Huma Khanum v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.2736/ 2016).

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Case Judgement

<http://www.plsbeta.com/LawOnline/law/casedescription.asp?caseid...>

- L) Shazia Jabeen v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4061/ 2016).
- LI) Rizwana Nazir v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4062/ 2016).
- LII) Farzana Khan v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4063/ 2016).
- LIII) Uzma Tariq v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4064/ 2016).
- LIV) Ghazala Naz v. Province of the Punjab through Secretary Higher Education Department and others (Service Appeal No.4065/ 2016).

2. Appellants filed instant appeals under section 4 of the Punjab Service Tribunal Act, 1974 praying that the appellants may be regularized in their services w.e.f. their date of initial appointments with all back pensionary and other benefits and their previous length of service about 15 years be considered as a regular employee and seniority may also be fixed from the date of original appointments and the probation period may also be considered as regular service by way of setting aside the impugned order dated 9.5.2016.

3. Briefly, the departmental authorities established eight colleges during the period from 1998-1999 and the Director of Education (Colleges), Rawalpindi recruited 70 female lecturers along with other staff on contract basis through Departmental Selection Committee for a period of three years with the approval of the competent authority. The Higher Education Department extended their contract services from time to time but they were not regularized despite rendering long service without break. It is also mentioned that the services of other lecturers recruitment by the respondent department during this period were regularized gradually.

Appellants along with other female lecturers filed Writ Petitions Nos.2713/2009 and 2722/2009 in the Lahore High Court, Rawalpindi Bench, Rawalpindi for regularization of their services. The said writ petitions were accepted vide orders dated 4.4.2012 with the following direction:--

"For the reasons supra, both the writ petition are accepted and the respondents are directed to regularize the petitioners with immediate effect within a period of two months".

Thereafter, the respondent department filed I.C.A. No.155/2012 assailing the judgment dated 4.4.2012 which was dismissed vide order dated 16.5.2013, hence the judgment of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi has attained finality.

In compliance of the order of the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi, appellants along with other lecturers who were on the strength of Higher Education Department on 4.12.2014 were regularized into government service with immediate effect vide Notification No.SO(CE-III)61-2/2009 dated 4.12.2014 and not from the date of their initial appointments.

Aggrieved of the notification dated 4.12.2014, appellant preferred departmental appeals which were not decided and later on, appellants filed Service Appeals Nos. 1788, 1790 to 1800 of 2015 and 2050 to 2090 of 2015 which were decided by this Tribunal vide order dated 18.2.2016 with direction to the Secretary, Higher Education Department, Government of the Punjab, Lahore to decide the pending representations/departmental appeals of the appellants within a period of 30 days.

In deference to the same, the Secretary, Higher Education Department, Government of the Punjab, Lahore vide order dated 9.5.2016 decided the representations/ departmental appeals of the appellants and refused the claim of the appellants as prayed. Hence these appeal.

- 4. I have considered the arguments of both parties and perused the record.
- 5. It is established from the record that the appellants were appointed as female lecturers through

Departmental Selection Committee in the year, 1998-99 on contract basis for a period of three years. The contract services of the appellants were extended from time to time without any break for about 15 years.

6. It has been noticed that the appellants were met with discriminatory treatment which is established from the facts and documentary evidence relied upon by the learned Counsel for the appellants that the other employees of the Government of the Punjab through different orders notifications were regularized but the claim of the appellants that their employment may be regularized from the date of initial appointments was refused which shows that they have been dealt with discrimination by the Higher Education Department, Government of the Punjab.

In this regard I may observe here that it has been settled by the Hon'ble Supreme Court of Pakistan that seniority of a civil servant was to be reckoned from the date of initial appointment and not from the date of conformation or regularization.

7. In this regard reliance can easily be placed on the judgment of the Full Bench of the Hon'ble Supreme Court of Pakistan titled as "Muhammad Aslam Awan, Advocate Supreme Court vs Federation of Pakistan and others" reported as 2014 SCMR 1289 held as under:-

"civil servant---Seniority of---Reckoned from date of initial appointment---In service matters while considering the seniority of civil servants, the seniority was reckoned from the date of initial appointment and not from the date of confirmation or regularization".

8. For what has been discussed above, I came to the conclusion that the appellants were entitled for regularization from the date of their initial appointments as Lecturers, hence these appeals are allowed by setting the impugned orders.

MH/2/PST
Appeal allowed.

ANNEXURE F

SERVICE QUALIFYING FOR PENSION

(23)

1. **Conditions of Qualifications:-** The service of a Government Servant does not qualify for pension unless it conforms to the following three conditions:-
- First:- The Service must be under Government.
- Second:- The service must not be Non-pensionable.
- Third:- The service must be paid by Government from the Provincial Consolidated Fund. Rule 2.1.

SERVICE RENDERED AFTER RETIREMENT ON SUPERANNUATION PENSION.

Service rendered after retirement on superannuation pension/retiring pension shall not count for pension or gratuity. Note below Rule - 2.1

3. **Beginning of Service:** Subject to any special rules, the service of Civil servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

Rule 2.2.

4. **Temporary and officiating service:** Temporary and officiating service shall count for pension as indicated below:-

- i) Civil servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity. Rule 2.3.

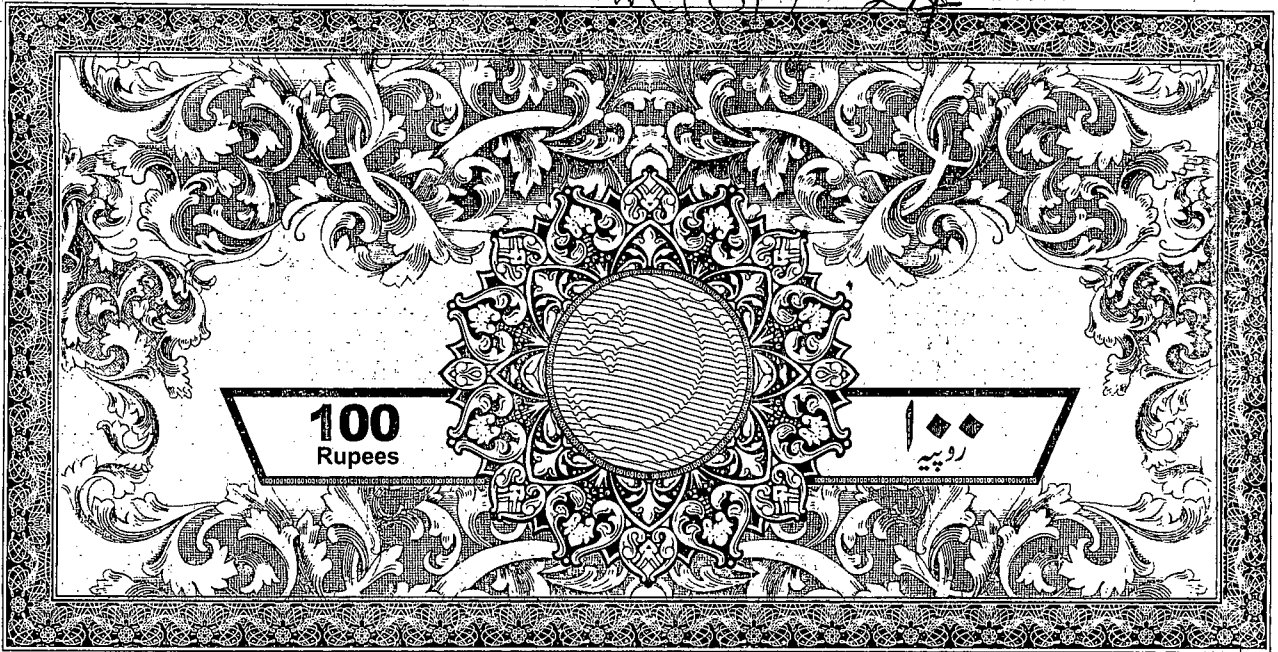
CLARIFICATION OF PHRASE - QUALIFYING SERVICE

Temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years qualifies for pension.

Some confusion seems to exist in some quarters as to how condonation of interruptions between two spells of temporary/officiating service may be regulated under Rule 2.12(1) of the West Pakistan Civil Services Pension Rules. According to Rule 2.3 ibid temporary and officiating service followed by confirmation or temporary/officiating service exceeding five years counts for pension/gratuity. The provisions of Rules 2.12(1) take effect only of those cases where the Government servant had prior to the interruption rendered periods of qualifying service and it is considered fit to permit him to count certain past qualifying service towards pension/gratuity. The condonation of interruptions in service with a view to allowing past Non-qualifying temporary/officiating service to qualify for pension/gratuity under Rule 2.3 is not permissible. In other words condonation of interruptions for pension/gratuity in temporary/officiating service is permissible only where the broken period of temporary/officiating service is qualifying i.e. it exceeds five years or is followed by confirmation. Where neither condition is fulfilled, condonation of interruption is not permissible. To make it more clear the following illustrations are given:-

Attest

[Signature]



بیان حلفی

من مسمی شاہ نذر سیو ولو محمد سیو مستاحی کارڈ
 نمبر 15302-8513614-9 بیلٹ نمبر 734 سیبا سی متعلقہ تھانہ خوگی بالا
 تحصیل ٹیرگر ضلع لوگر در حلف بیان کرتا ہوں کہ میں اپنا اپیل کروا کر
 ٹریبونل پشاور اور پانچ میں داخل کر رہا ہوں اور میرے
 اپیل کو پشاور اور پانچ ٹریبونل کے ذریعے فیصلہ فرمایا جائے
 کیونکہ پشاور سے سوات تک ہر خانہ اور عدالت میں پیشی کے لیے
 حکم چھٹی نہیں دیتے نہ پشاور کے لیے اپنے والدین کے علاج کے لیے
 صینے میں دیکھ دن بھر ضرور پشاور چھٹی لے کر جانے سے اور اس کے
 والدین کی خدمت اور عدالت میں پیشی سے ملنے سے۔
 حلفاً بیان کرتا ہوں کہ سفور جسے بالا ٹرگر میرا درست
 اور صحیح ہے۔

شاہ نذر سیو

شاہ نذر سیو ولو محمد سیو
 شہادت نمبر 15302-8513614-9



WAKALAT NAMIA

IN THE COURT OF

VERSUS

Accused/
Petitioner/
Appellant/
Plaintiff.

Respondent/
Defendant/
Complainant

FIR No.....Dated:..... Police Station:.....

Charge U/s.....

KNOW ALL to whom these presents shall come that I the undersigned appoint:

Muhammad Anwar Khan, (Pushton Ghari),

Advocate, High Court, Peshawar (herein after called the advocate) to be the Advocate for the Appellant/Petitioner in the above mentioned case; to do all the following acts, deeds and things or any of them that is to say:

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
 - 2) To sign, verify and present pleadings, appeals, cross-objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
 - 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
 - 4) To receive money and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
 - 5) To engage any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.
- AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the premises.
AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing
AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid.
- IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me; this _____ day of _____ 201_____

Accepted: |

Muhammad Anwar Khan, (Pushton Ghari),
Advocate High Court, Peshawar.
Call No:- 0333-9262374

Shahzad
Signature/Thumb impression
of party / parties.

Office Address:- Law Chamber No 127, New Bar Room, Judicial Complex, Peshawar